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Attorneys for Defendants GOVERNING
BOARD OF THE MOUNT DIABLO UNIFIED
SCHOOL DISTRICT, ALAN YOUNG, and
JOHN MCMORRIS

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

RICHARD HEYER,

Plaintiff,

vs.

GOVERNING BOARD OF THE MOUNT
DIABLO UNIFIED SCHOOL DISTRICT
ALAN YOUNG, JOHN MCMORRIS AND
DOES 1 THROUGH 25,

Defendant.

CASE NO. CV10-4525-MEJ

**JOINT STIPULATION AND ~~PROPOSED~~
ORDER CONTINUING CASE
MANAGEMENT CONFERENCE, AND
OTHER CASE DEADLINES**

**SUBJECT TO THE APPROVAL OF THIS COURT, THE PARTIES HEREBY
STIPULATE TO THE FOLLOWING:**

1. On or about November 17, 2010, Plaintiff Richard Heyer ("Plaintiff") served his First Amended Complaint ("FAC") on the Governing Board of the Mount Diablo Unified School District ("District"), Alan Young and John McMorris (collectively the "Defendants").

2. On or about November 29, 2010, Defendants' counsel, who has not yet appeared, informed Plaintiff's counsel of Defendants' intention to file a motion to dismiss and/or strike by December 7, 2010, with a hearing date anticipated in January 2011. Based on Plaintiff's counsel's

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unavailability during most of the month of January 2011, Plaintiff has agreed to extend Defendants' deadline to file a responsive pleading until January 14, 2011.

3. The parties further stipulate to continue the case management conference, currently scheduled for January 13, 2011, and all respective ADR and Rule 26 deadlines, pending the outcome of the hearing on Defendants' motion to dismiss and strike.

SO STIPULATED.

DATED: December 1, 2010.

Respectfully submitted,

FAGEN FRIEDMAN & FULFROST, LLP

By: /s/ Joshua A. Stevens
 Joshua A. Stevens
 Attorneys for Defendants GOVERNING BOARD
 OF THE MOUNT DIABLO UNIFIED SCHOOL
 DISTRICT, ALAN YOUNG, and JOHN
 MCMORRIS

DATED: December 1, 2010.

Respectfully submitted,

LAW OFFICES OF CURTIS G. OLER

By: /s/ Curtis G. Oler
 Curtis G. Oler
 Attorney for Plaintiff RICHARD HEYER

PROPOSED ORDER

IT IS HEREBY ORDERED, pursuant to the above Stipulation of the parties, that Defendants shall file their responsive pleading to Plaintiff's FAC on or before January 14, 2011.

IT IS HEREBY FURTHER ORDERED, pursuant to the above Stipulation of the parties, that the case management conference, currently scheduled for January 13, 2011, and all respective ADR and Rule 26 deadlines, are VACATED pending the outcome of the hearing on Defendants' motion to dismiss and strike.

DATED: December 3, 2010



Hon. Maria-Elena James
UNITED STATES MAGISTRATE JUDGE

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